

RCE, ZMM

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: MAIL STOP RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<i>Application Number</i>	10/812,148
	<i>Filing Date</i>	March 29, 2004
	<i>First Named Inventor</i>	Gary W. James
	<i>Art Unit</i>	3637
	<i>Examiner</i>	Philip Francis Gabler
	<i>Attorney Docket No.</i>	METZ 2 00011

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 CFR 1.114**

a.  Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief filed on

ii.  Other.

b.  Enclosed

i.  Amendment/Reply (copy of Amendment After Final originally submitted to the USPTO on June 20, 2007)

ii.  Affidavit(s)/Declaration(s)

iii.  Information Disclosure Statement, PTO-Form 1449 and references

iv.  Other Form PTO-2038 (credit card payment form); return-receipt postcard

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b.  Applicant(s) hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a **-month extension of time** to respond to the outstanding Office Action.

c.  Other \_\_\_\_\_

3. Fees (The RCE fee under 37 CFR 1.114(e) is required by 37 CFR 1.114 when the RCE is filed.)

Claims As Filed, Less Any Claims Canceled By above-indicated Amendment(s)

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))	12 - 20 =	0	x \$25	= \$0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 - 3 =	0	x \$100	= \$0.00
MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 CFR 1.16(d))		ANY - - 0	x \$180	= \$0.00
APPLICATION SIZE FEE (FOR APPLICATION THAT EXCEEDS 100 SHEETS, FEE FOR EACH GROUP OF 50 ADDITIONAL SHEETS)	0 GROUP(S)		x \$125	= \$0.00
	BASIC RCE FEE (37 CFR 1.16(a))			\$395.00
	TOTAL SMALL ENTITY FEE =			\$395.00

Payment for the filing of this Request for Continued Examination, any appropriate extension of time fees (and if applicable, the search and examination fees) are authorized to be charged to a Credit Card.

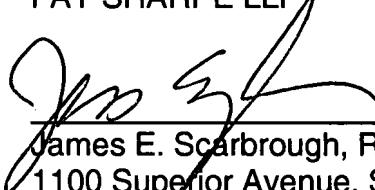
The appropriate PTO form 2038 is enclosed. **If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.**

This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

Respectfully submitted,

FAY SHARPE LLP

7/23/07  
Date

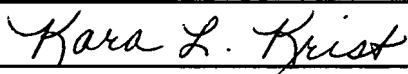
  
James E. Scarbrough, Reg. No. 47,056  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being

deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.

Express Mail Label No.:	Signature: 
Date: July 23, 2007	Name: Kara L. Krist